



**CITY OF DOVER**

## CITY OF DOVER - ORDINANCE

**POSTED February 24, 2010**

Ordinance Number: **O – yyyy.mm.dd -**  
Ordinance Title: Subdivision of Land Regulation Amendments  
Chapter: 155

1. Chapter 155 of the Code of the City of Dover, entitled Land Subdivision Regulations, is hereby amended by revising Chapter 155-9, Application Submittal and Review, Section E, third and fourth sentences, to read as follows:

“The names of all abutters shall be obtained from City records ~~or the Strafford County Registry of Deeds~~ not more than five (5) calendar days before the date of filing. In addition to the abutters list, ~~three~~ **two** duplicate sets of adhesive address labels for all abutters shall be submitted for use by staff in preparing certified mailings.”

2. Chapter 155 of the Code of the City of Dover, entitled Land Subdivision Regulations, is hereby amended by revising Chapter 155-9, Application Submittal and Review, to add a new Section I, to read as follows:

“I. Traffic Impact Assessment and Analysis – All proposed major subdivisions shall be reviewed by the Technical Review Committee and/or Planning Board to ascertain that adequate provisions have been made by the applicant for traffic safety. To facilitate this review, the applicant shall provide a Traffic Impact Assessment and Analysis to document existing traffic conditions in the vicinity of a proposed development project, to describe the volume and effect of projected traffic generated by the proposed project, and to identify measures proposed to mitigate any adverse impacts on traffic. All analyses must meet the minimum requirements of a “Standard” analysis. If any of the following thresholds apply, then an “Advanced” analysis must be completed:

1. Trip generation exceeding 1,000 average daily trips or 100 peak hour trips. Peak hour is defined as any of the following:
  - a. AM peak hour (7-9 AM);
  - b. PM peak hour (4-6 PM);
  - c. Saturday midday peak hour (11AM-1PM); and
  - d. peak hour generator for certain land uses (e.g., school, movie theater) if it falls outside the three previously listed periods. Analysis of Saturday midday peak only applies to retail uses.
2. The Planning Department may require an “Advanced” analysis because of special circumstances.

The requirements for a “Standard” or an “Advanced” analysis are contained in the Planning Department document entitled, “City of Dover Traffic Impact Assessment and Analysis Standards”. This document is available in the Planning Department and can be found on the City web-site. Applicants are strongly encouraged to consult with the staff of the Planning Department early in the project design regarding the scoping of the Traffic Impact Assessment and Analysis, including consideration of the study area boundary and any special considerations for the area that the development is proposed. A draft of the Traffic Impact Assessment and Analysis shall be completed prior to the final Technical Review Committee meeting so that it can be included in the discussion. A complete version of the analysis shall be finished prior to the first meeting at which the application will be presented to the Planning Board so that abutters and the Planning Board will have an opportunity for review.”

3. Chapter 155 of the Code of the City of Dover, entitled Land Subdivision Regulations, is hereby amended by revising Chapter 155-10, Actions by the Board/Public Hearings, Section B, second sentence and Section C, first sentence, to read as follows:



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“The Board shall act to approve, conditionally approve or disapprove within ~~ninety (90)~~ **sixty-five (65)** days after accepting the application subject to extension or waiver as set forth in paragraph C below (RSA 676:4-I (c)).”

AND

“C. The Planning Board may apply to the City Council for an extension not to exceed an additional ~~ninety (90)~~ **sixty-five (65)** days before acting to approve, conditionally approve, or disapprove an application.”

4. Chapter 155 of the Code of the City of Dover, entitled Land Subdivision Regulations, is hereby amended by deleting in their entirety, Chapter 155-12 and Chapter 155-13, and reserving the sections, as follows:

**~~“155-12. Preliminary Plat Approval. Reserved.~~**

~~A. Approval of the preliminary plat application shall not qualify the preliminary plat layout for recording with the Strafford County Registry of Deeds.~~

~~B. Preliminary plat approval shall confer upon the applicant the following rights and privileges:~~

- ~~(1) That the approval for the preliminary plat application will remain in effect for a period not to exceed one (1) year.~~
- ~~(2) The applicant may, during this period, submit all or portions of said preliminary plat for final plat approval.~~
- ~~(3) In the event that the subdivision is being developed in phases, the applicant may, by prior written mutual agreement with the Planning Board, receive a preliminary plat approval for a period not to exceed two (2) years.~~

~~C. Any applicant that receives preliminary plat approval subject to conditions precedent, must comply with the conditional precedent by the time of submission of the final plat. Additional public hearings, in accordance with 155-11, will be held by the Board to determine if the applicant has complied with all conditions precedent, except as noted below (RSA 676:4-I(i)).~~

- ~~(1) A public hearing is not required to determine compliance with conditions precedent if the Planning Director certifies in writing to the Board that the applicant has satisfactorily complied with the conditions precedent and that the conditions imposed by the Board were:~~
  - ~~(a) Minor plat changes whether or not imposed by the Board as a result of a public hearing, compliance with which is administrative and which does not involve discretionary judgement; or~~
  - ~~(b) Conditions which are in themselves administrative and which involve no discretionary judgement on part of the Board; or~~
  - ~~(c) Conditions with regard to the applicant's possession of permits and approvals granted by other boards or agencies.~~

- ~~(2) All other conditions precedent shall require a public hearing and notice as required in 155-11.~~



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### **155-13. ~~Final Plats. Reserved.~~**

~~A. Within the time limitations previously specified in 155-12, the applicant shall file with the Planning Board an application for approval of a final plat. The application shall include the following elements:~~

~~(1) Fifteen (15) copies of the final plat layout and the plat construction detail sheets, as described in 155-29 and 155-30, respectively, in this chapter.~~

~~(2) Comply in all respects with the approved preliminary plat application.~~

~~B. Final plat applications shall be submitted in accordance with the provisions of 155-9.”~~

5. Chapter 155 of the Code of the City of Dover, entitled Land Subdivision Regulations, is hereby amended by revising Chapter 155-14, Final Plat Certification; Recording, Performance and Maintenance Guaranty, Section E, to read as follows:

“E. An applicant may, at the discretion of the Planning Board, be required to enter into an escrow agreement with the City as security for the performance of its obligation under 155-25, in lieu of filing an irrevocable letter of credit. Such escrow agreements shall be executed on forms provided by the **City Engineer Planning Director** and shall be certified as to their sufficiency by the **City Attorney**.”

6. Chapter 155 of the Code of the City of Dover, entitled Land Subdivision Regulations, is hereby amended by revising Chapter 155-18, Application Submittal and Review for Minor Lot Line Adjustments and Boundary Agreements, Section C, fourth sentence, to read as follows:

“In addition to the abutters list, **three** ~~two~~ duplicate sets of adhesive address labels for all abutters shall be submitted for use by staff in preparing certified mailings.”

7. Chapter 155 of the Code of the City of Dover, entitled Land Subdivision Regulations, is hereby amended by revising Article IV, Open Space Subdivisions, Chapter 155-22, General Requirements, Section C, first paragraph, to read as follows:

“C. Minimum project area permitted for an open space subdivision shall be as follows: **[Amended 07-05-88, 02-11-03, and 02-10-04 per Planning Board]**

<u>Zoning District</u>	<u>Contiguous Acres Required</u>	
	<u>Residential Only</u>	<u>With Commercial</u>
<b>R-40</b>	No Minimum	50 acres
<b>R-20</b>	15 acres	50 acres
<b>R-12</b>	<b>5</b> <del>40</del> acres	20 acres”



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8. Chapter 155 of the Code of the City of Dover, entitled Land Subdivision Regulations, is hereby amended by revising Article IV, Open Space Subdivisions, Chapter 155-22, General Requirements, Section F, Dimensional Requirements, to read as follows:

MINIMUM YARDS DISTANCE AROUND INDIVIDUAL UNITS IN CLUSTERS			MINIMUM BUILDING SETBACKS FOR SUBDIVISION LOTS	
Street Sides of Units		Other Sides of Between Units	Abutting A Street	Abutting A Lot Line
R-40	20 feet	<del>20</del> 30 feet	20 feet	20 feet
R-20	15 feet	<del>15</del> 25 feet	15 feet	15 feet
R-12	10 feet	<del>10</del> 20 feet	10 feet	10 feet

9. Chapter 155 of the Code of the City of Dover, entitled Land Subdivision Regulations, is hereby amended by revising Article IV, Open Space Subdivisions, Chapter 155-22, General Requirements, Section F(2), to read as follows:

“(2) If a parcel of land is covered by more than one of the R-40, R-20 or R-12 Zoning Districts, and more than fifty (50) percent of the parcel lies in the more restrictive district, **the more restrictive regulations** shall apply to the entire parcel.”

10. Chapter 155 of the Code of the City of Dover, entitled Land Subdivision Regulations, is hereby amended by revising Chapter 155-24, Performance Requirements, by adding a new Section F, to read as follows:

**“F. All subdivision improvements which require blasting of land shall meet the requirements of Chapter 149-10-F, prior to any blasting occurring.”**

11. Chapter 155 of the Code of the City of Dover, entitled Land Subdivision Regulations, is hereby amended by revising Chapter 155-27, Inspection of Improvements, by adding a fifth sentence, to read as follows:

**“All fees and costs connected with inspection for the review of plans, construction and specifications shall be paid for by the developer, at a rate set forth in the City of Dover Adopted Schedule of Fees, as amended annually.”**

12. Chapter 155 of the Code of the City of Dover, entitled Land Subdivision Regulations, is hereby amended by revising Chapter 155-28, Preliminary Plat Layout, Section N, to read as follows:

“N. The 100 year flood elevation data shall be provided for that portion of the subdivision located within a "Special Flood Hazard Area" as designated on the Flood Boundary and Flooding Maps and Flood Insurance Rate Maps for the City of Dover, dated **May 17, 2005** ~~April 15, 1980~~, or later.”

13. Chapter 155 of the Code of the City of Dover, entitled Land Subdivision Regulations, is hereby amended by revising Chapter 155-28, Preliminary Plat Layout, Section O, to read as follows:



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~~“O. Street address or numbers for each structure or dwelling unit that could be constructed on the site.~~  
**Reserved.**

14. Chapter 155 of the Code of the City of Dover, entitled Land Subdivision Regulations, is hereby amended by revising Chapter 155-29, Final Plat Layout, Section A, third sentence, to read as follows:

~~“Four (4)~~ **Five (5)** black or blue line prints of the final plat layout shall be submitted per requirements specified in 155-14.”

15. Chapter 155 of the Code of the City of Dover, entitled Land Subdivision Regulations, is hereby amended by revising Chapter 155-29, Final Plat Layout, Section B, to read as follows:

~~“B. Information to be shown on final plat layout shall include all of the information on the preliminary plat, as required by Chapter 155-28, and the following information be as follows:~~

- ~~(1)~~ Proposed subdivision name or identifying title which shall not duplicate or closely approximate that of any other development in the City.
- ~~(2)~~ Date, approximate true North point and scale.
- ~~(3)~~ Name, address and signature of owner, subdivider and stamp of registered land surveyor.
- ~~(4)~~ Names of owners of record of abutting properties or developments.
- ~~(5)~~ Locations, names and widths of existing streets, highways and easements, building lines, parks or other public property.
- ~~(6)~~ **(2)** Locations and widths of all streets and sidewalks, together with names of streets, street numbers for all structures and location, dimensions and status of all easements proposed by the subdivider.
- ~~(7)~~ **(3)** Lot areas in square feet.
- ~~(8)~~ **(4)** Lot lines with accurate dimensions and bearings of a sufficient scale to determine readily the location, bearing and length of all lines. The survey information shall be tied into the City's Geographical Information System coordinate system if the benchmarks exist within one-half (1/2) mile of the parcel being subdivided. **[Amended 01-14-03 per Planning Board]**
- ~~(9)~~ **(5)** Radius of all curves and length of arcs.
- ~~(10)~~ **(6)** Location, material and approximate size of all permanent monuments.
- ~~(11)~~ **(7)** The accurate outline of all property which is offered or to be offered for dedication for public use, with the purpose intended thereon, and of all property that is proposed to be reserved by deed covenant for the common use of the property owners of the subdivision.



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~~(12)~~ **(8)** Minimum building line setback on all lots.

~~(13)~~ **(9)** A Storm Water Management and Erosion Control Plan prepared in accordance with the design standards in Chapter 155-35, if it is determined to be necessary by the Technical Review Committee during its review process, as outlined in Chapter 155-9-F or Chapter 155-16.

**[Amended 08-26-08 per Planning Board]**

~~(14)~~ Where proposed, show location of water mains, hydrant plant and essential equipment.

~~(15)~~ **(10)** Where proposed, show location of sanitary system.

~~(16)~~ **(11)** All elevations shall be referenced to the United States Geological Survey, provided that bench marks exist within one-half (1/2) mile of the boundary of the subdivision.

~~(17)~~ **(12)** All dimensions shall be shown in feet and decimals of a foot.

~~(18)~~ **(13)** All proposed restrictive covenants.

~~(19)~~ The 100 year flood elevation data shall be provided for that portion of the subdivision located within a "Special Flood Hazard Area" as designated on the Flood Boundary and Flooding Maps and Flood Insurance Rate Maps for the City of Dover, dated April 15, 1980 or later.

~~(20)~~ **(14)** Dates and permit numbers of all necessary permits from governmental agencies from which approval is required by Federal or State law.

~~(21)~~ A location map at a scale of one (1) inch equals one thousand (1,000) feet, showing the entire subdivision and its relation to the surrounding area within a radius of three thousand (3,000) feet.

~~(22)~~ Zoning or special district classification.

~~(23)~~ All relevant features including existing structures, railroads, bodies of water, watercourses, significant vegetation, soil types and seasonally wet areas, that may influence the design of the subdivision.

~~(24)~~ **(15)** An approved subdivision does not absolve the subdivider or subsequent owner from conforming with the regulations, ordinances and laws of the City of Dover, the State of New Hampshire or the U.S. Government. Specifically before construction, City and/or State approval of the design of any leach field, septic system of sewer system or sewer system connection well and City approval of driveway access and building codes must be obtained."

16. Chapter 155 of the Code of the City of Dover, entitled Land Subdivision Regulations, is hereby amended by revising Chapter 155-35, Storm Water Management, Erosion Control, and Flood Hazards, Section 2-b, first sentence, to read as follows:





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“Drainage calculations and storm water management measures to achieve water quality, recharge, and peak discharge control shall be prepared in conformance with the Best Management Practices outlined in the **following** documents;:

- (1) **"STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL HANDBOOK FOR URBAN AND DEVELOPING AREAS IN NEW HAMPSHIRE,"** Rockingham County Conservation District, NH Department of Environmental Services (DES), Soil Conservation Service (now the Natural Resources Conservation Service), August 1992, as amended;
- (2) **"NEW HAMPSHIRE STORMWATER MANUAL"** NH Department of Environmental Services (DES), December 2008, as amended; and
- (3) **any published DES regulations."**

17. Chapter 155 of the Code of the City of Dover, entitled Land Subdivision Regulations, is hereby amended by revising Chapter 155-35, Storm Water Management, Erosion Control, and Flood Hazards, Section 2-e, by adding a fourth sentence, to read as follows:

“Copies of all SWPPP inspection reports prepared during construction shall be submitted to the Dover Community Services Department as they are completed.”

18. Chapter 155 of the Code of the City of Dover, entitled Land Subdivision Regulations, is hereby amended by revising Chapter 155-36, Parks, Open Space, Natural Features, Section E, to read as follows:

“E. Street tree planting. Any ~~new street~~ **newly constructed roadway** that is the result of a major subdivision shall include the planting of ~~no less than one deciduous shade trees per 60 feet of frontage~~ **selected from the City of Dover’s approved list of street trees. The trees, with a minimum height at planting of eight feet, shall be planted** within the Right of Way ~~in front~~ **along the frontage** of all developed lots where residential development is to take place. **In accordance with a Landscaping Plan submitted by the applicant (which also takes into account the character of the area),** the Planning Board and the Community Services Director shall duly approve the planting of such vegetal elements at staggered intervals on opposite sides of the street. **[Amended 01-14-03 per Planning Board]”**

19. Chapter 155 of the Code of the City of Dover, entitled Land Subdivision Regulations, is hereby amended by revising Chapter 155-36, Parks, Open Space, Natural Features, by revising Section F, to read as follows:

“F. ~~Buffer Zones. The Planning Board may require the designation of buffer zones of at least fifty (50) feet in width around surface water, wetlands or other natural features which may be adversely affected by erosion or stormwater runoff. The Planning Board may require a vegetative buffer to provide screening where non-residential developments abut a residential zone.~~ **Perimeter Landscaping. In order to reduce the visual impact of new subdivisions to abutting properties, the Planning Board shall require an applicant for a major subdivision to prepare a perimeter landscaping plan. The purpose of the landscaping plan shall be to provide natural vegetation screening along the perimeter of the original lot(s) being subdivided. Whenever possible, existing trees and shrubs shall be preserved and used to satisfy the screening**



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requirements. The landscaping plan shall depict the species and sizes of the proposed trees and shrubs and identify any existing plants that will be preserved. Any trees proposed to be planted, shall have a minimum height of eight feet at the time of planting. Trees and shrubs shall include a mix of deciduous and evergreen species and shall be species tolerant to the climatic conditions of Dover. The Planning Board may allow alternative screening methods such as a combination of fencing, plantings and earthen berms only if preferred by the abutting property owner(s). Vegetation used as a buffer for screening purposes must maintain understory.”

20. Chapter 155 of the Code of the City of Dover, entitled Land Subdivision Regulations, is hereby amended by revising Chapter 155-48, Private Roads, first paragraph, to read as follows:

	3 and 4 Parcels	5 or more Parcels in R-12, R-20, R-40, RM 8, RM 10, RM 12, RM 20 RM-SU, RM-U or Nonresidential Districts
Right-of-way Width (feet)	30	50
Road Width (feet)	16	24-32*
Base Course	12 inches bank-run gravel (A)	12 inches bank-run gravel (A) 6 inches crushed gravel (B) 1 ½ inch binder and inch topcoat (C) 3 foot gravel shoulder (D) (A road profile shall be submitted with subdivision applications. Said profile shall be rendered by a qualified registered engineer.)

21. Chapter 155 of the Code of the City of Dover, entitled Land Subdivision Regulations, is hereby amended by revising Chapter 155-51, Waivers, to read as follows:

~~“A. When in judgement of the Planning Board, special circumstances exist where strict conformity with any specific requirements of these regulations would cause extraordinary and unnecessary hardships, the Board may waive certain portions of the regulations so that substantial justice may be achieved and the public interest secured, provided that such waivers shall not have the effect of nullifying the intent and purpose of the Zoning Ordinance or the Master Plan. The Planning Board may waive specific provisions of these regulations. The Planning Board may only grant a waiver if the Planning Board finds, by majority vote, that:~~

- (1) Strict conformity would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations; or**
- (2) Specific circumstances relative to the subdivision, or conditions of the land in such subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations.**

B. In granting waivers, the Planning Board may require such conditions as will in the Board's judgment, secure substantially the objectives of the standards or requirements of these regulations.





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~~C. The Planning Board shall not approve waivers unless it shall make findings based upon the evidence presented to it in each specific case that:~~

- ~~(1) The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other adjacent property;~~
- ~~(2) The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable generally to other property;~~
- ~~(3) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out; and,~~
- ~~(4) The waiver will not, in any manner, vary the provisions of the Zoning Ordinance, Master Plan or Official Map.~~

~~DC. Procedures. A petition for any such waiver shall be submitted in writing by the applicant at the time when the application is filed for consideration by the Planning Board. The petition shall state fully the grounds for the waiver and all of the facts relied upon by the petitioner. **The basis for any waiver granted by the Planning Board shall be recorded in the minutes of the Planning Board.**~~

22. Chapter 155 of the Code of the City of Dover, entitled Land Subdivision Regulations, is hereby amended by revising Chapter 155-53, Fees, to read as follows:

### **“155-53. Fees.**

A. Application Fees. Any application for approval of a subdivision shall be accompanied by a non-refundable fee per new lot of ~~one hundred and fifty dollars (\$150)~~ **as set forth in the City of Dover Adopted Schedule of Fees, as amended annually**, to cover the cost of reviewing the application. An application for a minor lot line adjustment or boundary change shall be accompanied with a non-refundable fee of ~~one hundred dollars (\$100.00)~~ **as set forth in the City of Dover Schedule of Fees, as amended annually**. In addition, the applicant shall be responsible for paying the cost of mailing certified notices to abutters as well as paying the cost of advertising or posting the application. **[Amended 01-14-03 and 08-26-08 per Planning Board]**

B. Additional Fees. Any applicant may be required to pay additional reasonable fees, as well as the fees for notice under 155-53 (A), as imposed by the Board to cover costs of special investigative studies, review of documents and other matters which may be required by a particular application (RSA 676:4-I (g)). A fee of ~~fifty dollars (\$50) per hour with a three hour minimum~~ **as set forth in the City of Dover Adopted Schedule of Fees, as amended annually**, shall be charged the applicant for staff time spent reviewing requests for time extensions to approved subdivisions, **per Chapter 155-24. [Amended 11-15-91 and 08-26-08 per Planning Board]**



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C. Inspection Fees. All fees and costs connected with inspections and engineering review of plans and specifications for improvements shall be paid for by the applicant, at a rate determined by the City Engineer and the Community Services Director.”

23. Chapter 155 of the Code of the City of Dover, entitled Land Subdivision Regulations, is hereby amended by revising Chapter 155-54, Adoption, second sentence, to read as follows:

“Copies shall also be filed with the New Hampshire Office of ~~State~~ **Energy and** Planning as required by RSA 675:9.”

24. Chapter 155 of the Code of the City of Dover, entitled Land Subdivision Regulations, is hereby amended by revising Chapter 155-60, Definitions, first sentence, to read as follows:

“For the purpose of this chapter, the terms used herein **appearing in CAPITAL LETTERS** are defined as follows:”

AND

Chapter 155 of the Code of the City of Dover, entitled Land Subdivision Regulations, is hereby amended by revising Chapter 155-60, Definitions, by replacing any use of a “-“ with the word “means”.

25. Chapter 155 of the Code of the City of Dover, entitled Land Subdivision Regulations, is hereby amended by revising Chapter 155-60, Definitions, by revising the definition of “APPLICATION, COMPLETE” to read as follows:

“APPLICATION, COMPLETE **means** an application for subdivision approval which contains sufficient information to invoke jurisdiction of the Planning Board. A complete application shall include all the items listed in Section 155-9 for a major subdivision and Section 155-17 for a minor subdivision. The ~~ninety (90) day~~ period for review does not start until a complete application has been submitted by the subdivider and accepted by the Board. The owner of the land must sign the application before it is filed with the Planning Board.”

26. Chapter 155 of the Code of the City of Dover, entitled Land Subdivision Regulations, is hereby amended by revising Chapter 155-60, Definitions, by deleting the definition of “FAMILY”.

27. Chapter 155 of the Code of the City of Dover, entitled Land Subdivision Regulations, is hereby amended by revising Chapter 155-60, Definitions, by amending the definition of “TECHNICAL REVIEW COMMITTEE” to read as follows:

“TECHNICAL REVIEW COMMITTEE - Shall be comprised of the Planning Board Chairperson, who shall act as chairperson, the Community Services Director, City Engineer, Fire Chief, Police Chief, ~~Building Official~~ **Zoning Administrator**, Economic Development Director and Planning Director ~~who shall serve as secretary~~. All Committee members shall have a designated alternate available in their absence.”



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28. Chapter 155 of the Code of the City of Dover, entitled Land Subdivision Regulations, is hereby amended by revising Chapter 155-60, Definitions, by amending the definition of “ABUTTER” to read as follows:

“ABUTTER - Any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the Board. For purposes of receiving testimony only, and not for purposes of notification, the term abutter shall include any person who is able to demonstrate that his or her land will be directly affected by the proposal under consideration. For purpose of receipt of notification for a public hearing by the Board, the term of abutting property owner for a condominium or other collective form of ownership means the officers of the collective or association as defined in RSA 356-B:3, XXIII.

1. **For MAJOR and/or OPEN SPACE SUBDIVISIONS, the individual owners of units within the association, which are located within two hundred (200) feet of the common property line shall be notified by first class mail.”**